

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, October 2, 2012, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman John Clark
Alderman Valerie Joh
Alderman Mike McIntire

Vice-Mayor Tom C. Parham
Alderman Tom Segelhorst
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** City Recorder Jim Demming.
- II.B. **INVOCATION:** Mickey Rainwater – Senior Pastor, First Broad Street United Methodist.
- III. **ROLL CALL:** By City Recorder Demming. All Present.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Assistant to the City Manager Chris McCartt showed a slide presentation portraying the progress at the Aquatic Center from pictures taken recently by Alderman Segelhorst.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/McIntire, to approve minutes for the following meetings:

- A. September 17, 2012 Regular Work Session
- B. September 18, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

1. **Public Hearing for and Consideration of an Ordinance to Amend Zoning of Portions of Parcels 4.05 and 4.10 on Tax Map 47P, Group A, Located Along Indian Trail Drive from M-1R Zoning to B-3 Zoning (AF: 292-2012).** City Planner Jason Meredith gave a brief presentation on this item and answered questions from the board. Mayor Phillips pointed out the current zone would allow for tractor trailers but the new zone would not.

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PUBLIC COMMENT ON ITEM VI.AA.1. The public hearing for this item will be held at the second reading on October 16, 2012 upon completion of the traffic study.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ALONG INDIAN TRAIL DRIVE FROM M-1R, LIGHT INDUSTRIAL DISTRICT, TO B-3, GENERAL BUSINESS DISTRICT, IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Public Hearing and Consideration of an Ordinance Adopting a New Code of Ordinances for the City (AF: 251-2012). Mayor Phillips stated the Board members are proposing to not change the gun law regarding parks and the greenbelt. He did point out that a citizen must have a handgun carry permit. Alderman Segelhorst commented that he had received many emails to leave the law at it is. City Attorney Billingsley summarized the changes to the entire ordinance, noting the majority of them were housekeeping items. Alderman Segelhorst made a motion, seconded by Alderman Shupe, to amend the ordinance as set out in the draft provided by the city attorney. Mr. Billingsley read the proposed changes. All present voting "aye."

PUBLIC COMMENT ON ITEM VI.AA.2.

Mr. Clayton Upchurch, 4514 Willmary Drive, spoke in favor of the amendment.

Mr. Wesley DeBord, 4410 Cooks Arbor Court, also spoke in favor of the amendment.

Mr. Paul Becker, 2020 Malvern Drive, also spoke in favor of the amendment.

Motion/Second: Parham/Joh, to approve as amended:

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF KINGSPORT; ESTABLISHING THE SAME; PROVIDING FOR REPEAL OF A PREVIOUS CODE OF ORDINANCES; PROVIDING FOR THE MANNER OF UPDATING SAID CODE; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A DATE WHEN SUCH CODE SHALL BECOME EFFECTIVE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

(NOTE: Alderman Segelhorst left the meeting at this time.)

B. BUSINESS MATTERS REQUIRING FIRST READING.

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1. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Enter into a Revised Materials Agreement with Danny Karst Related to the Edinburgh Phase 2 Section 2E Development and An Ordinance to Appropriate the Funds (AF: 294-2012).

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2013-052, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE MATERIALS AGREEMENT FOR EDINBURGH PHASE 2 SECTION 2E AND 2F WITH DANNY KARST AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE WATER AND SEWER PROJECT FUNDS BY DECREASING FUNDS TRANSFERRED TO THE EDINBURGH PHASE 2 SECTION 2E MATERIALS AGREEMENT PROJECTS (WA1377 AND SW1377); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of an Ordinance to Amend the FY13 General Purpose School Fund Budget (AF: 297-2012).

Motion/Second: Clark/Shupe, to pass:

AN ORDINANCE TO AMEND THE FY 2012-13 GENERAL PURPOSE SCHOOL FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Consideration of a Budget Ordinance to Appropriate \$21,632.00 from the Governor's Highway Safety Office for Traffic Law Enforcement Agency Services - Highway Safety Grant from the Tennessee Department of Transportation (AF: 288-2012).

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECTS - SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE GOVERNOR'S HIGHWAY SAFETY GRANT FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

4. Consideration of an Ordinance Appropriating Grant Funds Received from the Tennessee Department of Environment and Conservation for the Clean Energy Grant Program (AF: 296-2012).

Motion/Second: Parham/McIntire, to pass:

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AN ORDINANCE TO AMEND THE FLEET FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

(NOTE: Alderman Segelhorst returned to the meeting at this time.)

5. Consideration of a Budget Ordinance to Appropriate \$484,624.00 from the Department of Justice, Bureau of Justice Assistance Grant (AF: 266-2012).

Motion/Second: Shupe/McIntire, to pass:

AN ORDINANCE TO AMEND THE JUSTICE ASSISTANCE GRANT FUND BUDGET BY A REDUCTION IN GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE PROGRAM FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. NONE.

D. OTHER BUSINESS.

1. Consideration of a Resolution to Condemn for Easements and Right-of-Ways for Phase II of the Cleek Road Improvement Project (AF: 286-2012).

City Manager Campbell stated there was one property owner holding up this project but hopefully the issue will be resolved soon. He noted the bidding process has started.

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2013-053, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR PHASE II OF THE CLEEK ROAD IMPROVEMENT PROJECT

Passed: All present voting "aye."

2. Consideration of a Resolution to Amend the Lease Agreement with the Upper East Tennessee Human Development Agency to Reduce the Square Footage Amount of Leased Space in the V. O. Dobbins, Sr. Complex (AF: 283-2012). Mr. Campbell noted their state and federal funding had been reduced.

Motion/Second: Segelhorst/Shupe, to pass:

Resolution No. 2013-054, A RESOLUTION APPROVING AN AMENDMENT TO A LEASE BETWEEN THE CITY OF KINGSFORT AND THE UPPER EAST TENNESSEE HUMAN DEVELOPMENT AGENCY FOR CERTAIN SPACE IN THE V. O. DOBBINS SR. COMPLEX LOCATED IN THE CITY OF KINGSFORT AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed: All present voting "aye."

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3. Consideration of a Resolution Authorizing the City of Kingsport to Participate in the TML Risk Management Pool "Driver Safety" Matching Grant Program (AF: 287-2012). Alderman Segelhorst commented this was a good program since there were many drivers for the city and he hoped they all took advantage of it.

Motion/Second: Segelhorst/Joh, to pass:

Resolution No. 2013-055, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM THE TENNESSEE RISK MANAGEMENT POOL FOR THE PURCHASE OF SAFE DRIVING RELATED TRAINING AND MATERIALS

Passed: All present voting "aye."

4. Consideration of a Resolution Amending Chapter 106 of the City's Fee Resolution Related to Water and Sewer Tap Fees (AF: 293-2012). City Manager Campbell provided information on this item, noting this goal was to encourage home building by offering a discount if multiple taps are purchased at one time. Mayor Phillips questioned if all the houses in the bundle had to be in the same subdivision. Public Works Director Ryan McReynolds replied no and gave further details. He confirmed for Vice-Mayor Parham the purpose was to stimulate home construction. Mr. McReynolds also clarified some issues for home builder and developer Danny Karst.

Motion/Second: Segelhorst/Shupe, to pass:

Resolution No. 2013-056, A RESOLUTION AMENDING RESOLUTION NO. 2012-250 TO PROVIDE FOR CHANGES IN THE CHARGE IN CHAPTER 106-UTILITIES

Passed: All present voting "aye."

5. Consideration of a Resolution Awarding the Bid for Produce Items for the City of Kingsport School Nutrition Services to Mary's Salads & Produce and Authorizing the Mayor to Sign All Applicable Documents (AF: 295-2012).

Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-057, A RESOLUTION AWARDED THE BID FOR PURCHASE OF PRODUCE ITEMS FOR USE BY THE CITY OF KINGSPORT SCHOOL AND NUTRITION PROGRAM TO MARY'S SALADS & PRODUCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

6. Consideration of Resolutions Authorizing the Mayor to Execute All Documents Necessary and Proper to Accept an Amended Office of Criminal Justice Programs, Department of Justice Assistance Grant (JAG) Contract and to Exercise the "Termination for Convenience" Clause on Contracts Associated with the Original Grant Agreement(s) (AF: 265-2012).

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Motion/Second: Joh/Clark, to pass:

Resolution No. 2013-058, A RESOLUTION APPROVING AN AMENDMENT TO THE GRANT CONTRACT WITH THE OFFICE OF CRIMINAL JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE ASSISTANCE GRANT; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

Resolution No. 2013-059, A RESOLUTION AUTHORIZING THE TERMINATION FOR CONVENIENCE TO CONTRACTS ENTERED INTO PURSUANT TO THE GRANT CONTRACT WITH THE OFFICE OF CRIMINAL JUSTICE PROGRAMS, DEPARTMENT OF JUSTICE ASSISTANCE BYRNE GRANT, AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE TERMINATIONS

Passed: All present voting "aye."

7. Consideration of a Resolution Authorizing the Mayor to Sign a Lease Agreement with Eastman Chemical Company for Property to Locate the New Golf Maintenance Facility (AF: 299-2012).

Motion/Second: McIntire/Clark, to pass:

Resolution No. 2013-060, A RESOLUTION APPROVING A LEASE AGREEMENT WITH EASTMAN CHEMICAL COMPANY AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE LEASE

Passed: All present voting "aye."

8. Consideration of a Resolution Awarding the Bid for the Purchase of Three (3) Automated Refuse/Recycling Trucks to Smoky Mountain Truck Center, LLC (AF: 276-2012).

Motion/Second: Joh/McIntire, to pass:

Resolution No. 2013-061, A RESOLUTION AWARDED THE BID FOR THE PURCHASE OF THREE AUTOMATED REFUSE/RECYCLING TRUCKS TO SMOKY MOUNTAIN TRUCK CENTER, LLC AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

9. Consideration of a Resolution Repealing Resolution No. 2013-044 and Consideration of an Agreement with KEDB (AF: 300-2012).

Motion/Second: Segelhorst/McIntire, to pass:

Resolution No. 2013-062, A RESOLUTION TO REPEAL RESOLUTION NO. 2013-044

Passed: All present voting "aye."

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Motion/Second: Parham/McIntire, to pass:

Resolution No. 2013-063, A RESOLUTION TO APPROVE AN AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE, PERTAINING TO CERTAIN ECONOMIC DEVELOPMENT MATTERS SET OUT HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE SUCH AGREEMENT AND ALL DOCUMENTS AND DO ALL ACTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; TO EXPRESS THE INTENT OF THE BOARD TO ESTABLISH ONE OR MORE PROJECT ACCOUNTS IN AN ORDINANCE APPROPRIATING FUNDS TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; AND TO FIX THE EFFECTIVE DATE OF THIS RESOLUTION

Passed: All present voting "aye."

E. APPOINTMENTS/REAPPOINTMENTS.

Appointments/Reappointments are considered under one motion.

Motion/Second: McIntire/Shupe, to approve:

1. Consideration of a Reappointment to the Meadowview Conference Resort & Convention Center Advisory Committee (AF: 298-2012).

Approve:

REAPPOINTMENT OF MS. LORRIE Q. COOPER TO SERVE ANOTHER THREE-YEAR TERM ON THE **MEADOWVIEW CONFERENCE RESORT & CONVENTION CENTER ADVISORY COMMITTEE** EFFECTIVE IMMEDIATELY AND EXPIRING ON JUNE 30, 2015.

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Motion/Second: Shupe/Joh, to adopt:

1. Consideration of an Ordinance to Increase the Budgeted Amount in the Library Commission Fund (AF: 272-2012).

Adopt:

Ordinance No. 6246, AN ORDINANCE TO AMEND THE LIBRARY COMMISSION FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE FRIENDS OF THE LIBRARY FOR THE YEAR ENDING JUNE 30, 2013; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

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VIII. COMMUNICATIONS.

A. CITY MANAGER. Mr. Campbell thanked First Kingsport Credit Union and Chef's Pizzeria for the annual fall picnic they are hosting for city employees this Friday. He also commented on the current United Way campaign as well as the Thursday night concert series at the Farmers Market.

B. MAYOR AND BOARD MEMBERS. Alderman Shupe congratulated Dr. Heather Cook, President of the Northeast State Foundation, for the youth scholarship campaign for raising over \$140,000. He also noted there was a new nursing scholarship in his mother's name. He congratulated the students and the future of education in Kingsport. Alderman Joh stated she was delighted with the clean-up progress at the library and commended the city and the police department. Alderman Segelhorst stated it was a privilege to help the Dobyns-Bennett band at their competition on Saturday, noting it was well attended. He expressed his appreciation for the volunteers, the band, the fans and staff. Alderman Clark congratulated the city for the unemployment being down and lower than the state and national average. Vice-Mayor Parham expressed gratitude to Eastman for the golf maintenance lease. He also reflected on the many positive things going on in Kingsport, noting we have a lot to be thankful for. Mayor Phillips commented on the loss of long-time Sullivan County Commissioner Buddy King. He also stated he had met Blake Leeper yesterday, noting he was a very impressive young person and represented the city of Kingsport very well.

C. VISITORS. Ms. Barbara Brown commented favorably on Kingsport's Channel 16 and congratulated Elizabeth Joanne Shupe for the scholarship program. Mr. Paul Becker voiced his thanks and support for the military and commented on animals crossing Netherland Inn Road.

Public Works Director Ryan McReynolds stated the Netherland Inn Roundabout should be open tomorrow if it doesn't rain.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:15 p.m.


ANGELA MARSH
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor